PTO/SB/21 (09-04)

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	Application Number	1	10/580,453			
OIPETRANSMITTAL		Filing Date		March 23,	2006	
FORM FORM	First Named Inventor		Florence Rivera			
SEP 0 5 2006 "		Art Unit		Unassigne	d	
(to be used of all correspondence after	Examiner Name		Unassigned			
Total Differ of Pages in This Submiss	Attorney Docket Numb	per	034299-698			
ENCLOSURES (check all that apply)						
Fee Transmittal Form	Drawing(s	3)		After Allowance Communication to TC		
Fee Attached Licensing-		related Papers		Appeal Communication to Board of Appeals and Interferences		
Amendment / Reply				Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)		
I After Final		Convert to a al Application	I I Proprietary Information		ary Information	
Affidavits/declaration(s)	Power of Attorney, Revocation Change of Correspondence Address		,	Status Letter		
Extension of Time Request		Disclaimer		Other Enclosure(s) (please identify below):		
Express Abandonment Request		or Refund per of CD(s)		Postcard Reference: US 2002/0193818 Reference: US 2002/0198512		
Information Disclosure Statement	☐ Lan	dscape Table on CD See additional attachments in Remarks				
Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR1.52 or 1.53 Remarks International Search Report dated April 11, 2005 Reference: WO 02/43937 Reference: WO 02/18785 Reference: WO 01/34088					l 11, 2005	
SIGI	NATURE OF A	APPLICANT, ATTORNE	Y, OR	AGENT		
Firm						
Signature	Signature / / / / / / / / / / / / / / / / / / /					
Printed Name Robert E. Krebs						
Date August 31, 2006		Reg. No. 25,885				
CERTIFICATE OF TRANSMISSION/MAILING						
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.						
Signature Saura Hellac						
Typed or printed name Laura L. I			Date	August 31, 2006		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ÝPLICANT:

Florence Rivera, et al.

SERIAL NO.:

10/580,453

FILING DATE:

March 23, 2006

TITLE:

IN VIVO DIAGNOSTIC AND THERAPY MICRO-DEVICE

EXAMINER:

Unassigned

ART UNIT:

Unassigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on the date printed below:

Date: August 31, 2006

Laura L. Hulac

Mail Stop: Amendment

COMMISSIONER FOR PATENTS

P.O. Box 1450

ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicant hereby submits this Information Disclosure Statement (IDS) including a Form PTO-1449 containing a list of references which may be material to the examination of the above-referenced application. This submission is not to be construed as a representation that a prior art search has been conducted, that additional information material to the examination of this application does not exist, or that any one or more of the listed references constitutes prior art.

The Examiner is urged to carefully consider this Information Disclosure Statement and all the listed references, and to indicate same by initialing the appropriate portion(s) of the Form PTO-1449 and forwarding an initialed copy to applicant.

If this box is checked, this application was filed after June 30, 2003 and qualifies for the blanket waiver of deposit of copies of U.S. Patents and U.S. Patent Application Publications

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in accordance with the written waiver of 37 CFR §1.98 (a)(2)(i) Official Gazette Published in Official Gazette Notices of August 5, 2003 (1273OG55). Accordingly, such copies are not submitted.

I

This statement is filed pursuant to:

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37 C.F.R. § 1.97(b).

This information disclosure statement is filed either:

- (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
 - (3) before the mailing date of a first office action on the merits; or
- (4) before the mailing of a first office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of any of the following:

- (1) a final action under 37 C.F.R. § 1.113;
- (2) a notice of allowance under 37 C.F.R. § 1.311; or
- (3) an action that otherwise closes prosecution in the application.

Accordingly, this information disclosure statement requires either:

- (1) the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c); or
 - (2) a certification according to 37 C.F.R. § 1.97 (e)(1) or (2).

37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97 (c).

Accordingly, this information disclosure statement requires:

- (1) a certification in accordance with 37 C.F.R. § 1.97(e); and
- (2) the fee specified in 37 C.F.R. § 1.17 (p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d).

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. §1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

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Fees Due	:
	No fee is due.
	The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) or 37 C.F.R. § 1.97(d) is enclosed (\$180).
	Ш
Certificat	ion:
	No certification is necessary.
	Pursuant to 37 C.F.R. § 1.97(e)(1), the undersigned hereby certifies: That each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
	Pursuant to 37 C.F.R. § 1.97(e)(2), the undersigned hereby certifies: No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this information disclosure statement.
	IV
P	lease charge any additional required fee or credit any overpayment to our deposit
account n	number 50-1698.
Dated: <u>A</u>	Respectfully submitted, THELEN REID & PRIEST LLP Robert E. Krebs Reg. No. 25,885

THELEN REID & PRIEST LLP P.O. Box 640640

San Jose, CA 95164-0640

Tel: (408) 292-5800 Fax: (408) 287-8040

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Sheet

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

of

Complete if Known				
Application Number	10/580,453			
Filing Date	May 23, 2006			
First Named Inventor	Florence Rivera, et al.			
Art Unit	Unassigned			
Examiner Name	Unassigned			
Attorney Docket Number	034299-000698			

			U.S. PATENT	DOCUMENTS	
Examiner Initials *	Cite No. ¹	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-2002/0193818	Dec 19, 2002	Douglas Ray Sparks	
	2	US- 2002/0198512	Dec 26, 2002	Kirk Patrick Seward	
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Cite No.1	011	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁵
		Country Code ³ - Number ⁴ - Kind Code ⁵ (<i>if known</i>)		Applicant of Cited Document		
	1	PCT	04/11/2005	Int'l Search Report		
	2	WO 02/43937	06/06/2002			
	3	WO 02/18785	03/07/2002			
	4	WO 01/34088	05/17/2001			
-	-					
]			

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Examiner Signature	Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.